

VZCZCXRO4861
PP RUEHAG RUEHAST RUEHDA RUEHDF RUEHFL RUEHIK RUEHKW RUEHLA RUEHLN
RUEHLZ RUEHROV RUEHSR RUEHVK RUEHYG
DE RUEHPOD #0075/01 0641638
ZNR UUUUU ZZH
P R 041638Z MAR 08
FM AMEMBASSY PODGORICA
TO RUEHC/SECSTATE WASHDC PRIORITY 0665
INFO RUEHZL/EUROPEAN POLITICAL COLLECTIVE
RHMFIUU/DEPT OF JUSTICE WASHINGTON DC
RUEATRS/DEPT OF TREASURY WASHINGTON DC
RUEHC/DEPT OF LABOR WASHINGTON DC
RUEFHLC/DEPT OF HOMELAND SECURITY WASHINGTON DC
RUEHPOD/AMEMBASSY PODGORICA 0733

UNCLAS SECTION 01 OF 15 PODGORICA 000075

SIPDIS

SENSITIVE
SIPDIS

DEPT FOR G/TIP, G, INL, DRL, PRM, EUR/PGI, EUR/SCE

DEPT PLEASE PASS USAID

E.O. 12958: N/A

TAGS: [KCRM](#) [PHUM](#) [KWMN](#) [SMIG](#) [KFRD](#) [ASEC](#) [PREF](#) [ELAB](#) [MW](#)

SUBJECT: MONTENEGRO-EIGHTH ANNUAL TRAFFICKING IN PERSONS (TIP)
REPORT

REF: STATE 2731

PODGORICA 00000075 001.2 OF 015

SENSITIVE BUT UNCLASSIFIED HANDLE ACCORDINGLY

11. Post's submission of the draft Anti-trafficking in Persons (TIP) report for Montenegro follows. Beginning with Section I - Overview of Country Activities, responses are keyed to refTel.

EMBASSY PODGORICA CONTACT INFORMATION

Embassy Podgorica POC for anti-trafficking is Human Rights Officer Gina M. Werth, tel: (+382)81-225-417; fax: (+382)81-241-358; e-mail: WerthGM@state.gov. Ms. Werth, FS-04, spent approximately 40 hours preparing the eighth annual TIP report. LES Political Specialist, FSN-9, Zlatko Ivanovic, spent approximately 80 hours preparing the TIP report.

12. Begin text of TIP Report.

- 1I. OVERVIEW OF COUNTRY ACTIVITIES
- II. INVESTIGATION AND PROSECUTION OF TRAFFICKERS
- III. PROTECTION AND ASSISTANCE TO VICTIMS
- IV. PREVENTION

1I. OVERVIEW OF COUNTRY ACTIVITIES

1A. Is the country a country of origin, transit, and/or destination for internationally trafficked men, women, or children? Provide, where possible, numbers or estimates for each group; how they were trafficked, to where, and for what purpose. Does the trafficking occur within the country's borders? Does it occur in territory outside of the government's control (e.g. in a civil war situation)? Are any estimates or reliable numbers available as to the extent or magnitude of the problem? What is (are) the source(s) of available information on trafficking in persons or what plans are in place (if any) to undertake documentation of trafficking? How reliable are the numbers and these sources? Are certain groups of persons more at risk of being trafficked (e.g. women and children, boys versus girls, certain ethnic groups, refugees, etc.)?

Montenegro is primarily a transit country for internationally trafficked persons. The Office of the National Coordinator for the Fight Against Human Trafficking in Montenegro claimed that there were no cases in 2007 of Montenegrin citizens who were trafficked and that Montenegro is not a country of origin. However, according to the National Coordinator, women and girls from Serbia, Bosnia and Herzegovina, Moldova, Romania, Ukraine and Russia were trafficked across the territory of Montenegro towards Western European countries, especially Italy, for sexual and labor exploitation. In addition, the common practice in the Roma community of sending their children to beg for money rather than going to school could be considered a form of trafficking under Montenegro's anti-trafficking legislation, embodied in article 444 of the Criminal Code. However, it is not recognized as such in practice by the Montenegrin authorities.

The National Coordinator, pursuant to his duties under the National Anti-Trafficking Strategy adopted in November 2003, has the primary responsibility to collect, monitor and create a database of the trafficking situation in Montenegro. The National Coordinator acquires data on criminal charges, suits/complaints, criminal proceedings, and verdicts related to trafficking as well as on the number of victims of human trafficking in Montenegro. Post received this and other information below from the National Coordinator's office, the office of the Chief State Prosecutor, the Montenegrin Ministry of Interior and prominent NGOs. Post considers the information from the National Coordinator may under-report the seriousness of the issue.

In 2007, there were a total of 13 protectees residing in the shelter for victims of human trafficking that receives direct budget support from the Government of Montenegro through a

PODGORICA 00000075 002.2 OF 015

specific line item in the national budget. Only one of the protectees was confirmed to be a victim of human trafficking. Other protectees resided in the shelter for different reasons. For example, victims of human smuggling were placed in the shelter because it was not possible to accommodate them elsewhere in Montenegro.

1B. Please provide a general overview of the trafficking situation in the country and any changes since the last TIP Report (e.g. changes in direction). (Other items to address may include: What kind of conditions are the victims trafficked into? Which populations are targeted by the traffickers? Who are the traffickers/exploiters? Are they independent business people? Small or family-based crime groups? Large international organized crime syndicates? What methods are used to approach victims? (Are they offered lucrative jobs, sold by their families, approached by friends of friends, etc.?) What methods are used to move the victims (e.g., are false documents being used?). Are employment, travel, and tourism agencies or marriage brokers involved with or fronting for traffickers or crime groups to traffic individuals?

Montenegro signed the UN Convention of Palermo on Transnational Organized Crime, including the Protocol for Prevention, Suppression and Punishment of Human Trafficking in 2001. The government adopted the National Strategy for the "Fight Against Human Trafficking" in November 2003. The strategy was adopted in cooperation with the then-U.S. Consulate in Podgorica and Embassy Belgrade, OSCE, the International Organization for

Migration (IOM) and relevant ministries. The strategy includes three parts: prevention, prosecution and protection. It was drafted in accordance with the standards contained in the UN Convention and Protocol on Human Trafficking.

Montenegro's anti-trafficking legislation was adopted in April 2004, as article 444 of the Criminal Code. In 2005, Montenegro established the Office of the National Coordinator for the Fight Against Human Trafficking, who is responsible for implementation of the national strategy and for coordination of activities of the government ministries, international organizations and NGOs through two bodies: the Working Group and the Project Board, in which the relevant ministries and organizations are represented. The Project Board, chaired by the National Coordinator, includes representatives of the police, the Government Office for Gender Equality, OSCE, Council of Europe, IOM, UNICEF, USAID, Save the Children, and two local NGOs, "Safe Women's House" and "Montenegrin Women's Lobby". The Project Board evaluates the current situation of human trafficking in Montenegro, disseminates information and establishes the guidelines for future activities. The Working Group, also chaired by the National Coordinator, was formed to monitor and implement the national strategy. The Working Group includes representatives, at the level of assistant ministers, of the Ministry of Health, Labor and Social Welfare, the Ministry of Justice, the Ministry of Education and Science, the Chief State Prosecutor's office, and police with the international organizations of the OSCE, Council of Europe, IOM; the U.S. Embassy Podgorica has observer status. The Working Group previously met monthly to monitor progress in the implementation of the national strategy. However, post notes that there has not been a single meeting during the reporting period. A Special Anti-Trafficking Team was established by the Montenegrin Ministry of Interior in April 2005. In December 2005, the Ministry of Interior adopted the Regulations on Conditions and Temporary Stay of Foreign Nationals - Victims of Human Trafficking, according to which a victim can stay in Montenegro for as long as the need for protection of a victim may require, or during a trial. Some pending issues contained in the regulations will be fully resolved by the New Law on Foreign Nationals.

In early 2007, the new Regulations on the Organization of Working Places in Police Directorate were adopted. Under those regulations, the duties and responsibilities of the Police Special Anti-Trafficking Team were transferred to the Criminal

PODGORICA 00000075 003.2 OF 015

Police's Department for Fighting Organized Crime and Corruption Within this group, there is a separate line of responsibility for fighting human trafficking and illegal migration - human smuggling. Police responsibilities for fighting human trafficking and other elements of organized crime are regulated by several laws: Chapter XXX on Organized Crime of the Law on Criminal Proceedings, Criminal Code, Law on Police, Law on Witness Protection, Law on Foreign Nationals, Law on State Border, Law on Asylum, etc.

On October 10, 2007, the government signed a new Memorandum of Understanding for Mutual Cooperation with NGOs. On the government side, signatory parties included the Ministry of Health, Labor and Social Welfare; Ministry of Education; Chief State Prosecutor; and the police. NGOs included the Montenegrin Women's Lobby, Montenegrin Safe House, and the Center Plus.

The purpose of the new MoU is to improve state/NGO cooperation in fighting human trafficking through prevention, education, prosecution, and protection of possible victims of human trafficking, in particular women and children.

There was only one reported trafficking victim in Montenegro in 2007. The National Coordinator reported that human trafficking in Montenegro occurs on an exceptional basis and that most

criminal organizations are not involved.

NGOs involved in combatting human trafficking believe Montenegro has an adequate legal framework to fight against trafficking. However, they generally believe that official statistics underreport the problem, and that the authorities need to focus more attention on the issue. In addition, NGOs have mentioned that retention of trained anti-trafficking police officers is a problem.

Post notes that the issue of retention is not unique to officers trained to combat trafficking, but is a systemic problem for the entire police department (as reported by U.S. funded experts as well as other donors working on law enforcement reforms in Montenegro.)

1C. Which government agencies are involved in anti-trafficking efforts and which agency, if any, has the lead?

The following GOM entities are involved in anti-trafficking efforts in Montenegro:

- Office of the National Coordinator for the Fight against Human Trafficking
- Chief State Prosecutor
- Ministry of Interior/Police Directorate
- Ministry of Health, Labor and Social Welfare
- Ministry of Education

The National Coordinator has the overall lead in coordinating anti-trafficking efforts in Montenegro. The National Coordinator is supposed to: 1) coordinate the activities of the relevant government institutions, international and non-governmental organizations as they seek to implement the National Anti-trafficking Strategy, aiming to protect victims, prevent human trafficking and prosecute the perpetrators; 2) participate at international conferences/seminars/roundtables/forums; and 3) monitor the implementation of the action plan and report to the Government of Montenegro.

1D. What are the limitations on the government's ability to address this problem in practice? For example, is

PODGORICA 00000075 004.2 OF 015

funding for police or other institutions inadequate? Is overall corruption a problem? Does the government lack the resources to aid victims?

The government's ability to address human trafficking is limited by funding and by a backlogged and ineffective judicial process that impact both criminal and civil courts. As mentioned above, some NGOs also believe that official statistics underreport the problem of trafficking, and that the authorities need to focus more attention on the problem.

Also, the National Coordinator failed to hold a single meeting

of the Working Group during the reporting period.

The Government's National Coordinator also reported that many of the government actors involved in anti-trafficking were only paid for their primary job within the government, and not for their efforts in the anti-trafficking field. Further, the National Coordinator said the judiciary failed to act promptly when human trafficking cases were brought to court (however, the National Coordinator also reported that through workshops, judicial processing of these cases has improved).

1E. To what extent does the government systematically monitor its anti-trafficking efforts (on all fronts -- prosecution, victim protection, and prevention) and periodically make available, publicly or privately and directly or through regional/international organizations, its assessments of these anti-trafficking efforts?

The National Coordinator reported that his office is in charge of collecting all data related to prosecution, protection and prevention and periodically submits reports to the Prime Minister and international partners.

II. INVESTIGATION AND PROSECUTION OF TRAFFICKERS

1A. Does the country have a law specifically prohibiting trafficking in persons--both for sexual and non-sexual purposes (e.g. forced labor)? If so, please specifically cite the name of the law and its date of enactment and provide the exact language of the law prohibiting TIP and all other law(s) used to prosecute TIP cases. Does the law(s) cover both internal and external (transnational) forms of trafficking? If not, under what other laws can traffickers be prosecuted? For example, are there laws against slavery or the exploitation of prostitution by means of force, fraud or coercion? Are these other laws being used in trafficking cases? Please provide a full inventory of trafficking laws, including non-criminal statutes that allow for civil penalties against alleged trafficking crimes, (e.g., civil forfeiture laws and laws against illegal debt).

Post notes that due to the successful signing of the SAA with the EU, Montenegro will begin a process of harmonizing its legislation to meet EU legal standards. As such the criminal code will over the next 18 to 24 months undergo a process of review and revision by EU legal experts. As such many of the following codes will be amended to comply with EU directives on human trafficking.

Montenegro's anti-trafficking law specifically prohibits trafficking in persons for the purposes of exploitation, sexual or non-sexual. This law came into effect in April 2004, under article 444 of the Criminal Code.

PODGORICA 00000075 005.2 OF 015

Article 444, Paragraph 1 of the Criminal Code:

Anyone who by force or threat, deceit or delusion, by abuse of authority, trust, relationship of dependency, difficulty of position of another person or by keeping identification papers or by giving or receiving money or other benefit for the purpose of obtaining consent of a person having control over another: recruits, transports, transfers, hands over, sells, buys, mediates the sale, hides or keeps another person for exploitation of work, submission to servitude, commission of crimes, prostitution or begging, pornographic use, taking away a body part for transplantation or for use in armed conflicts, shall be punished by imprisonment for a term of one to ten years.

According to the National Coordinator, this provision covers both internal and transnational trafficking in persons. Statistics show that there is little internal trafficking in Montenegro; it tends to have an international character. Nevertheless, trafficking is punishable in Montenegro, even if only one of its phases occurred in Montenegro.

The Montenegrin Criminal Code also prescribes penalties for trafficking in children for adoption (Article 445) and submission to slavery and transportation of enslaved persons (Article 446). Facilitation of prostitution by use of force, fraud or coercion is addressed in Article 444 of the Criminal Code. If there is the use of force, fraud, or coercion, a person whose body is exploited for sexual purposes does not have any freedom to decide, so it is not a case of prostitution but human trafficking. Article 112, Paragraph 1 of the Criminal Code provides that no one shall be allowed to retain any material gain obtained by a criminal offense. The procedure for confiscating property acquired via illegal means is regulated by Montenegrin Criminal Procedure Law, articles 538 to 545.

1B. What are the prescribed penalties for trafficking people for sexual exploitation? What penalties were imposed for persons convicted of sexual exploitation over the reporting period? Please note the number of convicted sex traffickers who received suspended sentences and the number who received only a fine as punishment.

Montenegro's trafficking legislation stipulates that those found guilty shall be punished by imprisonment for a term of one to ten years.

A perpetrator of human trafficking, pursuant to Article 444 of the Criminal Code, cannot be punished via suspended sentence or a fine.

1C. Punishment of Labor Trafficking Offenses: What are the prescribed and imposed penalties for trafficking for labor exploitation, such as forced or bonded labor and involuntary servitude? Do the government's laws provide for criminal punishment -- i.e. jail time -- for labor recruiters in labor source countries who engage in recruitment of laborers using knowingly fraudulent or deceptive offers that result in workers being trafficked in the destination country? Are there laws in destination countries punishing employers or labor agents in labor destination countries who confiscate workers' passports or travel documents, switch contracts without the worker's consent as a means to keep the worker in a state of service, or withhold payment of salaries as means of keeping the worker in a state of service? If law(s) prescribe criminal punishments for these offenses, what are the actual punishments imposed on persons convicted of these offenses? Please note the number of convicted labor

traffickers who received suspended sentences and the number who received only a fine as punishment.

The Criminal Code makes no distinction between the criminal penalties for human trafficking for sexual exploitation and human trafficking for labor exploitation.

1D. What are the prescribed penalties for rape or forcible sexual assault? How do they compare to the prescribed penalties for crimes of trafficking for commercial sexual exploitation?

Under Article 204, paragraph 1 of the Criminal Code, rape carries a penalty of two to ten years imprisonment. Aggravated rape carries a sentence of one to eight years.

A prison term of three to fifteen years may apply in the following circumstances:

- a) if the criminal act is committed by several persons;
- b) if the criminal act is committed in an especially cruel manner;
- c) if the consequence of the act is pregnancy;
- d) if a victim is a minor;
- e) if severe bodily injury is inflicted on a victim.

A perpetrator faces a sentence of five to eighteen years imprisonment if the victim is a child below 14 years of age or if the victim died.

1E. Is prostitution legalized or decriminalized? Specifically, are the activities of the prostitute criminalized? Are the activities of the brothel owner/operator, clients, pimps, and enforcers criminalized? Are these laws enforced? If prostitution is legal and regulated, what is the legal minimum age for this activity? Note that in many countries with federalist systems, prostitution laws may be under state or local jurisdiction and may differ among jurisdictions.

Under Article 210, paragraph 1 of the Criminal Code, facilitation of prostitution is criminalized and is punishable by a fine or imprisonment not to exceed one year. If the prostitution involves a minor, the perpetrator faces imprisonment for a term of one to ten years. A person who prostitutes him/herself faces civil penalties in accordance with article 24, paragraph 1 of the Law on Public Peace and Order.

1F. Has the government prosecuted any cases against human trafficking offenders? If so, provide numbers of investigations, prosecutions, convictions, and sentences served, including details on plea bargains and fines, if relevant and available. Please indicate which laws were used to investigate, prosecute, convict, and sentence traffickers. Also, if possible, please disaggregate by type of TIP (labor vs. commercial sexual exploitation) and victims (children, as defined by U.S. and international law as under 18 years of age, vs. adults). Does the government in a labor source country criminally prosecute labor recruiters who recruit laborers using knowingly fraudulent or deceptive offers or impose on recruited laborers inappropriately high or illegal fees or commissions that create a debt bondage condition for the

laborer? Does the government in a labor destination country criminally prosecute employers or labor agents who confiscate workers' passports/travel documents, switch contracts or terms of employment without the worker's consent, use physical or sexual abuse or the threat of such abuse to keep workers in a state of service, or withhold payment of salaries as a means to keep workers in a state of service? Are the traffickers serving

PODGORICA 00000075 007.2 OF 015

the time sentenced? If not, why not? Please indicate whether the government can provide this information, and if not, why not?

The Ministry of Interior reported that in 2007, the Police Directorate filed two criminal charges for trafficking in human beings (Article 444 of the Criminal Code), against three perpetrators, for the trafficking of four persons.

According to the Chief State Prosecutor's office, in 2007, two perpetrators committed the criminal act of trafficking in human beings and were convicted. In media reports, three perpetrators were convicted for human trafficking under Article 444 of the Criminal Code and were sentenced to five years imprisonment, respectively. The Chief State Prosecutor's office stated that there are an additional seven indictments that have been filed and are still pending.

The National Coordinator and the Chief State Prosecutor's office informed post that final data are not yet available and will be published in the government's annual report for 2007.

1G. Does the government provide any specialized training for government officials in how to recognize, investigate, and prosecute instances of trafficking? Specify whether NGOs, international organizations, and/or the USG provide specialized training for host government officials.

International organizations, normally through the National Coordinator's office and relevant ministries, have organized training workshops for judges, police officers, and others involved in anti-trafficking efforts, to discuss methods used to suppress trafficking in human beings, prosecute perpetrators and protect the rights of the victims, including, also, protecting victims from the perpetrators. These training workshops enhanced cooperation with NGOs, relevant institutions and other elements of civil society.

As part of the project "Capacity Building of Judges and Prosecutors in Montenegro in the Area of Fighting Trafficking in Human Beings", financed by the Italian Government, the Ministry of Justice and the International Organization for Migration, a manual was drafted to train judges and prosecutors, printed both in English and Montenegrin. The manual was intended to help judges and prosecutors in processing trafficking cases, including with the pretrial process, bringing indictments, and finally with trial and verdict.

1H. Does the government cooperate with other governments in the investigation and prosecution of trafficking cases? If possible, can post provide the number of cooperative international investigations on trafficking during the reporting period?

Montenegro is developing its bilateral, regional and multilateral cooperation with other states in the

anti-trafficking field. Cooperation occurs between Montenegrin police and prosecutors and their counterparts from other countries.

During training at the Police Academy, the police train and educate new police officers about the problem of human trafficking. The topic of human trafficking has been included in the regular curriculum of the Academy for all police officers through a number of subjects.

Specialized workshops for the members of the criminal and border police have been organized in cooperation with the OSCE, ICITAP,

PODGORICA 00000075 008.2 OF 015

IOM, and UNDP.

1I. Does the government extradite persons who are charged with trafficking in other countries? If so, can post provide the number of traffickers extradited during the reporting period? Does the government extradite its own nationals charged with such offenses? If not, is the government prohibited by law from extraditing its own nationals? If so, what is the government doing to modify its laws to permit the extradition of its own nationals?

The Montenegrin Constitution forbids the extradition of its citizens. However, under the Extradition Law, Montenegro will extradite foreign nationals provided that the legal conditions are met.

1J. Is there evidence of government involvement in or tolerance of trafficking, on a local or institutional level? If so, please explain in detail.

Currently, there is no evidence of official involvement in human trafficking.

1K. If government officials are involved in trafficking, what steps has the government taken to end such participation? Please indicate the number of government officials investigated and prosecuted for involvement in trafficking or trafficking-related corruption during the reporting period. Have any been convicted? What sentence(s) was imposed? Please specify if officials received suspended sentences, were given a fine, fired, or reassigned to another position within the government as punishment. Please provide specific numbers, if available. Please indicate the number of convicted officials that received suspended sentences or received only a fine as punishment.

There have been no cases of high ranking officials investigated for involvement in human trafficking since 2004.

1L. As part of the new requirements of the 2005 TVPRA, for countries that contribute troops to international peacekeeping efforts, please indicate whether the government vigorously investigated, prosecuted, convicted and sentenced nationals of the country deployed abroad as part of a peacekeeping or other similar mission who engage in or

facilitate severe forms of trafficking or who exploit victims of such trafficking.

This question is not applicable to Montenegro.

1M. If the country has an identified child sex tourism problem (as source or destination), how many foreign pedophiles has the government prosecuted or deported/extradited to their country of origin? What are the countries of origin for sex tourists? Do the country's child sexual abuse laws have extraterritorial coverage (similar to the U.S. PROTECT Act)? If so, how many of the country's nationals have been prosecuted and/or convicted under the extraterritorial provision(s) for traveling to other countries to engage in child sex tourism?

In September 2006, the OSCE Mission in Montenegro, the Ministry of Tourism and the National Coordinator's office launched a joint project entitled the "Public-Private Cooperation in the Prevention of Trafficking and Sexual Exploitation of Minors in the Travel and Tourism Industry." According to the National Coordinator and NGOs, child sex tourism has not been reported as a problem in Montenegro.

III. PROTECTION AND ASSISTANCE TO VICTIMS:

PODGORICA 00000075 009.2 OF 015

1A. Does the government assist foreign trafficking victims, for example, by providing temporary to permanent residency status, or other relief from deportation? If so, please explain.

Since 2005, Montenegro has granted temporary residence status to trafficking victims for an interval of three months, six months, or one year, depending on the circumstances of the case. Montenegro will soon adopt a new Law on Foreigners, according to which victims of human trafficking will be given a privileged status that will enable them to get a temporary residence permit or permanent resident status in Montenegro. Pursuant to the provisions of this law, the state institutions will provide victims with residence in a shelter, or other appropriate place to stay, for not more than three months. During their stay, foreigners will be provided with necessary medical, psychological and social assistance, as well as legal advice on their status.

1B. Does the country have victim care facilities which are accessible to trafficking victims? Do foreign victims have the same access to care as domestic trafficking victims? Does the country have specialized facilities dedicated to helping victims of trafficking? If so, can you provide the number of victims placed in these care facilities during the reporting period? What is the funding source of these facilities? Please estimate the amount the government spent (in U.S. dollar equivalent) on these specialized facilities dedicated to helping trafficking victims during the reporting period. Does the government provide trafficking victims with access to legal, medical and psychological services? If so, please specify the kind of assistance provided, and the number of victims assisted, if available.

Montenegro has three shelters for victims of human trafficking. Two of the shelters -- run by "Montenegrin Women's Lobby" and "Safe Women's House" -- are "closed" shelters, meaning that the victims are under supervision 24 hours a day. The third shelter, run by "Center Plus," is a transition home for victims of human trafficking.

All expenses for the shelter run by the Montenegrin Women's

Lobby are paid for out of the National Coordinator's budget, while other shelters are funded mostly by foreign donors. Trafficking victims are provided with medical, psychological and social assistance, as well as legal advice regarding their status. As stated above, only one trafficking victim was sheltered during 2007.

1C. Does the government provide funding or other forms of support to foreign or domestic NGOs and/or international organizations for services to trafficking victims? Please explain and provide any funding amounts in U.S. dollar equivalent. If assistance provided is in-kind, please specify exact assistance. Please explain if funding for assistance comes from a federal budget or from regional or local governments.

As stated above, the national government provides all funding for Montenegrin Women's Lobby, its designated shelter for trafficking victims, through the National Coordinator's budget.

1D. Do the government's law enforcement, immigration, and social services personnel have a formal system of proactively identifying victims of trafficking among high-risk persons with whom they come in contact (e.g., foreign persons arrested for prostitution or immigration violations)? What is the number of victims identified during the reporting period? Has the government developed and implemented a referral process to transfer victims detained, arrested or placed in protective custody by law enforcement authorities to institutions that provide short-or long-term care? How many victims were referred for assistance by law enforcement authorities during the reporting period?

PODGORICA 00000075 010.2 OF 015

Early in 2007, as part of an overall plan to reorganize the police force, the separate anti-trafficking police team and powers were transferred to the organized crime department of the criminal police. Law enforcement personnel, including those at the borders, often lacked training in how to recognize trafficking operations. During the year, international organizations, with the cooperation of Montenegrin authorities, sponsored training on trafficking problems for police (including border police), prosecutors, and judges.

The government has developed a referral process for transfer victims detained by law enforcement authorities. Police contact the government sponsored shelter when a victim has been identified. However, only one trafficking victim was identified during the reporting period.

During 2007, three people, all Montenegrin citizens, were charged with human trafficking and facilitation in prostitution in two cases involving five victims. One victim was a female national of Montenegro and others were female nationals of Serbia. One victim was accommodated in the shelter run by Montenegrin Women's Lobby in Podgorica while the other victims were sent back, at their request, to Serbia.

The table below contains official police statistics on the number of criminal charges for period 2004 - 2007:

Human Trafficking and Smuggling, 2004 - 2007:

Criminal Cases	2004	2005	2006	2007
Human trafficking	6	5	1	2
Facilitation in prostitution		3	2	3
Trafficking in children			1	

for adoption

Employment on slavery grounds

Illegal border crossings	10	5	7	10
--------------------------	----	---	---	----

and human smuggling

TOTAL	19	12	9	15
-------	----	----	---	----

1E. For countries with legalized prostitution: does the government have a mechanism for screening for trafficking victims among persons involved in the legal/regulated commercial sex trade?

Montenegro does not permit legalized prostitution, therefore, this question does not apply.

1F. Are the rights of victims respected? Are trafficking victims detained or jailed? If detained or jailed, for how long? Are victims fined? Are victims prosecuted for violations of other laws, such as those governing immigration or prostitution?

According to the Chief State Prosecutor's office, victims of trafficking enjoy the maximum level of protection in Montenegro.

They are neither prosecuted nor detained. Montenegro, through its designated trafficking shelter and government agencies, provides physical, psychological and social rehabilitation to human trafficking victims. However, NGOs have reported that there is still a lack of sensitivity toward human trafficking victims, particularly within the judiciary, while the relationship with police has been successful. Officials claim that there are no recorded cases of victims of human trafficking being prosecuted for minor offenses or criminal acts related to illegal migration or prostitution.

1G. Does the government encourage victims to assist in

PODGORICA 00000075 011.2 OF 015

the investigation and prosecution of trafficking? How many victims assisted in the investigation and prosecution of traffickers during the reporting period? May victims file civil suits or seek legal action against traffickers? Does anyone impede victim access to such legal redress? If a victim is a material witness in a court case against a former employer, is the victim permitted to obtain other employment or to leave the country pending trial proceedings? Are there means by which a victim may obtain restitution?

According to the National Coordinator, the Law on Witness Protection provides for the protection of witnesses, including victims of human trafficking, by first, ensuring their physical protection, then, if necessary, relocating the witness, and finally, if all other measures prove inefficient, concealing the witness' identity, using altered personal documents. Specifically, Montenegro allows for the possibility of having a protected witness testify in court using a pseudonym or testifying with the assistance of technical equipment to disguise the witness' identity. According to NGOs, the government should do more to encourage victims to assist in the investigation and prosecution of trafficking. NGOs did praise the response of the police in human trafficking cases, however. All victims, to date, have given their statements to police. However, trafficking victims are not forced to participate in the investigation and/or prosecution of trafficking. Trafficking victims may file civil suits against traffickers or seek legal action against traffickers. The access of victims to legal redress is not impeded. A victim is permitted to obtain other employment or to leave the country pending trial proceedings. There were no cases in which a victim obtained restitution.

¶H. What kind of protection is the government able to provide for victims and witnesses? Does it provide these protections in practice? What type of shelter or services does the government provide? Are these services provided directly by the government or are they provided by NGOs or IOs funded by host government grants? Does the government provide shelter or housing benefits to victims or other resources to aid the victims in rebuilding their lives? Where are child victims placed (e.g., in shelters, foster care, or juvenile justice detention centers)? What is the number of victims assisted by government-funded assistance programs during the reporting period? What is the number of victims assisted by non government-funded assistance programs? What is the number of victims that received shelter services during the reporting period?

The government provides to potential victims of human trafficking adequate support and protection. In practice, this means that the potential victims of human trafficking, protectees residing in the government-funded shelter, are provided with medical, legal, psychological and other forms of support, including monitoring the victims throughout the criminal proceedings as well as through the process of reintegration. The government allocates the necessary financial resources to the shelter.

¶I. Does the government provide any specialized training for government officials in identifying trafficking victims and in the provision of assistance to trafficked victims, including the special needs of trafficked children? Does the government provide training on protections and assistance to its embassies and consulates in foreign countries that are destination or transit countries? Does it urge those embassies and consulates to develop ongoing relationships with NGOs and IOs that serve trafficked victims? What is the number of trafficking victims assisted by the host country's embassies or consulates abroad during the reporting period? Please explain the level of assistance. For example, did the host government provide travel documents for the victim to repatriate, did the host government contact NGOs in either the source or destination countries to ensure the victim received adequate assistance, did the host government pay for the transportation home for a victim's repatriation, etc.

Training workshops have been organized for judges, police officers, and others involved in anti-trafficking efforts, to discuss methods used to suppress trafficking in human beings, prosecute perpetrators and protect the rights of the victims,

PODGORICA 00000075 012.2 OF 015

including, also, protecting victims from the perpetrators. These training workshops enhanced cooperation with NGOs, relevant institutions and other elements of civil society.

In 2005, as part of the project entitled "Capacity Building of Judges and Prosecutors in Montenegro in the Area of Fighting Trafficking in Human Beings", financed by the Italian Government, the Ministry of Justice and IOM, a manual was drafted to train judges and prosecutors, printed both in English and Montenegrin. The manual was intended to help judges and prosecutors in processing trafficking cases, including with the pretrial process, bringing indictments, and finally with trial and verdict.

During training at the Police Academy, the police train and educate new police officers about the problem of human trafficking. The topic of human trafficking has been included in the regular curriculum of the Academy for all police officers

through a number of subjects.

Specialized workshops for the members of the criminal and border police have been organized in cooperation with the OSCE, ICITAP, IOM, and UNDP.

¶J. Does the government provide assistance, such as medical aid, shelter, or financial help, to its nationals who are repatriated as victims of trafficking?

There are no cases of repatriation.

¶K. Which international organizations or NGOs, if any, work with trafficking victims? What type of services do they provide? What sort of cooperation do they receive from local authorities? How much funding (in U.S. Dollar Equivalent) did NGOs and international organizations receive from the host government for victim assistance during the reporting period? Please disaggregate funding for prevention and public awareness efforts from victim assistance funding. NOTE: If post reports that a government is incapable of providing direct assistance to TIP victims, please assess whether the government ensures that TIP victims receive access to adequate care from other entities. Funding, personnel, and training constraints should be noted, if applicable. Conversely, the lack of political will in a situation where a country has adequate financial and other resources to address the problem should be noted as well.

International Organizations:

-OSCE

-IOM

NGOs:

-Montenegrin Women's Lobby

-Safe Woman's House

-Center Plus

IV. PREVENTION:

-- A. Does the government acknowledge that trafficking is a problem in the country? If not, why not?

PODGORICA 00000075 013.2 OF 015

According to the National Coordinator, trafficking in human beings in Montenegro occurs on an exceptional basis and is most often associated with the facilitation of prostitution. There is one recorded case of trafficking in males for labor exploitation.

¶B. Are there, or have there been, government-run anti-trafficking information or education campaigns conducted during the reporting period? If so, briefly describe the

campaign(s), including their objectives and effectiveness. Please provide the number of people reached by such awareness efforts if available. Do these campaigns target potential trafficking victims and/or the demand for trafficking (e.g. "clients" of prostitutes or beneficiaries of forced labor)?

During 2005, Save the Children, through its UK office, organized workshops for one third of all high schools and one quarter of all elementary schools. The workshops were aimed at introducing young people, ages 12 to 18, to the phenomenon of trafficking in children, and sought to educate them on how to recognize potential risks. The workshop results were gathered and a brochure was published.

The government also sponsored a Directory of Institutions and Organizations involved in the Fight against Trafficking in Human Beings. This document was published in early 2004 and revised in 2007. The new, updated version of Directory contains contact information for 24 institutions and organizations (governmental, non-governmental and international), and a brief description of their roles in the fight against trafficking. The Directory has been disseminated to all relevant parties involved in anti-trafficking activities, as well as to Montenegro's diplomatic and consular missions abroad.

1C. What is the relationship between government officials, NGOs, other relevant organizations and other elements of civil society on the trafficking issue?

The National Coordinator has the overall lead in coordinating anti-trafficking efforts in Montenegro. The National Coordinator is supposed to: 1) coordinate the activities of the relevant government institutions, international and non-governmental organizations as they seek to implement the National Anti-trafficking Strategy, aiming to protect victims, prevent human trafficking and prosecute the perpetrators; 2) participate at international conferences/seminars/roundtables/forums; and 3) monitor the implementation of the action plan and report to the Government of Montenegro.

NGOs involved in combatting trafficking generally believe that the government underestimates the extent to which trafficking remains a problem in Montenegro.

1D. Does the government monitor immigration and emigration patterns for evidence of trafficking? Do law enforcement agencies screen for potential trafficking victims along borders?

In cooperation with border police, the Organized Crime unit of the police (which is responsible for investigating trafficking cases) monitors all immigration and emigration patterns, exchanges intelligence with other countries and conducts joint international investigations.

1E. Is there a mechanism for coordination and communication between various agencies, internal, international, and multilateral on trafficking-related matters, such as a multi-agency working group or a task

PODGORICA 00000075 014.2 OF 015

force? Does the government have a trafficking in persons working group or single point of contact? Does the government have a public corruption task force?

As stated above, the National Coordinator has the overall lead in coordinating anti-trafficking efforts in Montenegro. The National Coordinator is supposed to: 1) coordinate the activities of the relevant government institutions, international and non-governmental organizations as they seek to implement the National Anti-trafficking Strategy, aiming to protect victims, prevent human trafficking and prosecute the perpetrators; 2) participate at international conferences/seminars/roundtables/forums; and 3) monitor the implementation of the action plan and report to the Government of Montenegro.

There is a Project Board and an anti-trafficking Working Group. The Project Board, chaired by the National Coordinator, includes representatives of the police, the Government Office for Gender Equality, OSCE, Council of Europe, IOM, UNICEF, USAID, Save the Children, and two local NGOs, "Safe Women's House" and "Montenegrin Women's Lobby". The Project Board considers the current situation of human trafficking in Montenegro, exchanges information and establishes the guidelines for future activities. The Working Group, also chaired by the National Coordinator, was formed to monitor and implement the national strategy. The Working Group includes representatives, at the level of assistant ministers, of the Ministry of Health, Labor and Social Welfare, the Ministry of Justice, the Ministry of Education and Science, the Chief State Prosecutor's office, the police, OSCE, Council of Europe, IOM, and U.S. Embassy Podgorica, as an observer. The Working Group previously met monthly to monitor progress in the implementation of the national strategy. However, post noted that there has not been a single meeting during the reporting period.

The Agency for the Anti-Corruption Initiative was formed to address corruption.

1F. Does the government have a national plan of action to address trafficking in persons? If so, which agencies were involved in developing it? Were NGOs consulted in the process? What steps has the government taken to disseminate the action plan?

Montenegro adopted an Action Plan for the Fight against Trafficking in Human Beings, which defined obligations and goals, including precise timelines and the delegation of responsibility to specific organizations. NGOs were consulted in the process of forming the Action Plan. However, implementation has not kept pace with NGO expectations.

G: For all posts: As part of the new criteria added to the TVPA's minimum standards by the 2005 TVPRA, what measures has the government taken during the reporting period to reduce the demand for commercial sex acts? (see ref B, para. 9(3) for examples)

There is a close connection between prostitution and trafficking in human beings for sexual exploitation. During the reporting period, the police conducted a number of investigations of night clubs believed to be offering illicit sexual services. During 2007, the police filed charges of facilitation in prostitution in three cases against six persons, all Montenegrin nationals, under article 210 of the Criminal Code.

NOMINATION OF HEROES AND BEST PRACTICES

Post has no submissions for Heroes and for Best Practices at
PODGORICA 00000075 015.2 OF 015

this time.
MOORE